

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Bernard White,)	C/A No. 8:05-2735-CMC-BHH
))
Plaintiff,))
))
v.)	OPINION AND ORDER
))
Doctor Patel and Warden Eddie Eagleton,))
))
Defendants.))
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Plaintiff, proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983, when he was incarcerated at Evans Correctional Institution of the State of South Carolina. The Defendants filed a motion for summary judgment. The court issued a *Roseboro* order advising Plaintiff of the summary judgment procedure and the possible consequences if he failed to respond adequately. No response was filed.¹

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, the Complaint filed by Plaintiff, who is proceeding *pro se*, was referred to United States Magistrate Bruce H. Hendricks, who issued a Report and Recommendation on June 23, 2006.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of

¹ The envelope containing the *Roseboro* order was returned to the clerk marked “Released 5-01-06.”

the record in order to accept the recommendation.””) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Based on her review of the record, the Magistrate Judge has recommended that the Complaint be dismissed for lack of prosecution. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. No objections have been filed and the time for doing so has expired.

After reviewing the Complaint, the motion, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

IT IS HEREBY ORDERED that this action is **DISMISSED with prejudice** for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Columbia, South Carolina
July 28, 2006

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE